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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,471	09/21/2004	Yanan Mou	13363-US-PA	5470
31561	7590	09/21/2005	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			DINKINS, ANTHONY	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/711,471

### Applicant(s)

MOU ET AL.

### Examiner

Anthony Dinkins

### Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-14 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The examiner acknowledges, as recommended in **M.P.E.P. § 707.04**, the applicant's submission of the amendment dated August 24, 2005. At this point claims 1-5 have been amended and claim 15 has been added. Thus, claims 1-15 are pending in the instant application.

### **REJECTIONS BASED ON PRIOR ART**

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Loughlin et al. (5,567,995). Regarding claim 1, O'Loughlin et al. disclose in Fig. 6 a capacitor structure, having a conductive layer, wherein the conductive layer has a first spiral pattern A(1) and a second spiral pattern B(2) arranged alternatively with respect to each other (see col. 6, lines 58-61), and the terminal A1 (1) of the first spiral pattern A(1) and the terminal B3(3) of second spiral pattern B(2) at the outside of the capacitor structure extend to different directions; and a dielectric layer (I), disposed between the first spiral pattern A(1) and the second spiral pattern B(2). Regarding claim 2, wherein the first spiral pattern A(1) comprises an arc shaped spiral pattern due to the patterns being spiral, inherently the pattern s would be arc shaped. Regarding claim 4, wherein the second spiral pattern B(2) comprises an arc shaped spiral pattern due to the patterns being spiral, inherently the pattern s would be arc shaped.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Loughlin et al. Regarding claims 3 and 5, Rayburn disclose in Figure 3 applicant's invention except for having the first spiral pattern (re: claim 3) or second spiral pattern (re: 5) comprising a rectangular spiral pattern. It would have been an obvious matter of design choice to have the first spiral pattern or second spiral pattern to comprise a rectangular spiral pattern, since such a modification would have involved a mere change in the shape of a component. Where the instant specification and evidence of record fail to attribute any significance (novel or unexpected results) to a particular shape, a change of shape is generally recognized as being within the level of ordinary skill in the art. *Span-Deck Inc. V. FabCon, Inc.*, 215 USPQ 835.

**ACKNOWLEDEGEMENT OF ISSUES RAISED BY THE APPLICANT**

**Response to Amendment**

Applicant's arguments filed August 24, 2005 have been fully considered but they are not deemed to be persuasive and, as required by M.P.E.P. § 707.07(f).

**Conclusion**

**STATUS OF CLAIMS IN THE APPLICATION**

The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. § 707.07(i)**:

**a(1) SUBJECT MATTER CONSIDERED ALLOWABLE**

Claims 6-14 allowed.

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**a(2) CLAIMS REJECTED IN THE APPLICATION**

Per the instant office action, claims 1-5 are rejected.

For at least the above reasons it is the examiner's position that the applicant's claims are not in condition for allowance.

**CLAIMS REJECTED IN THE APPLICATION**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

For at least the above reasons it is the examiner's position that the applicant's claims 1-5 are not in condition for allowance.

**DIRECTION OF ALL FUTURE REMARKS**

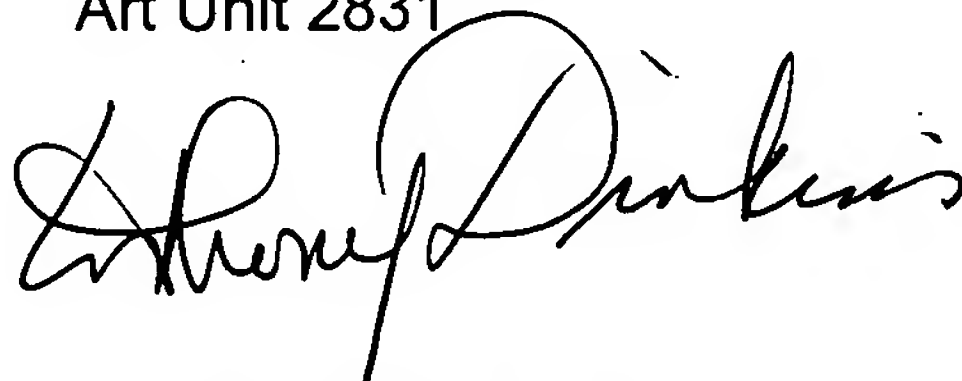
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Dinkins whose normally available during the working hours of 6:30 A.M. to 3:00 P.M. Mon. thru Fri. and can be reached at telephone number (571) 272-1972.

**IMPORTANT NOTE:**

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Dean Reichard, can be reached at the following telephone number: Area Code (571) 272-1984.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2800.

Anthony Dinkins  
Primary Examiner  
Art Unit 2831

A handwritten signature in black ink, appearing to read 'Anthony Dinkins', written in a cursive style.

ANTHONY DINKINS  
PRIMARY EXAMINER